United Nations A/C.3/54/SR.46

General Assembly
Fifty-fourth session

Official Records

Distr.: General
9 December 1999

Original: English

Third Committee

Summary record of the 46th meeting
Held at Headquarters, New York, on Monday, 15 November 1999, at 3 p.m.

Chairman: Mr. Galuška ..... (Czech Republic)

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99-82442 (E)

The meeting was called to order at 3.20 p.m.

Agenda item 116: Human rights questions (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/54/L.62, L.64, L.65, L.66, L.68, L.69 and L.71)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/54/L.59)

Draft resolution A/C.3/54/L.62: Human rights and cultural diversity

1. **Mr. Alaei** (Islamic Republic of Iran), introduced draft resolution A/C.3/54/L.62 on behalf of the sponsors, who had been joined by Oman. The draft resolution aimed to complement United Nations efforts in the field of human rights by promoting respect for cultural diversity. It was hoped that it would be adopted by consensus.

Draft resolution A/C.3/54/L.64: United Nations Decade for Human Rights Education, 1995-2004, and public information activities in the field of human rights

2. **Ms. De Wet** (Namibia) introduced draft resolution A/C.3/54/L.64 on behalf of the sponsors, who had been joined by Denmark and Malta. It was hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/54/L.65: Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

3. **Mr. Oelz** (Austria) introduced draft resolution A/C.3/54/L.65 on behalf of the sponsors, who had been joined by Romania and expressed the hope that it would be adopted without a vote.

Draft resolution A/C.3/54/L.66: Human rights in the administration of justice

4. **Mr. Oelz** (Austria) introduced draft resolution A/C.3/54/L.66 on behalf of the sponsors, who have been joined by Azerbaijan and Romania, and hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/54/L.68: Protection of and assistance to internally displaced persons

5. **H.R.H. Crown Prince Haakon** (Norway) introduced draft resolution A/C.3/54/68 on behalf of the sponsors, who had been joined by Malta and hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/54/L.69: Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms

6. **H.R.H. Crown Prince Haakon** (Norway) introduced draft resolution A/C.3/54/L.69 on behalf of the sponsors, who had been joined by Estonia and Greece, and hoped that the draft resolution would be adopted without a vote.

Draft resolution A/C.3/54/L.71: Globalization and its impact on the full enjoyment of all human rights

7. **Mr. Oda** (Egypt) introduced draft resolution A/C.3/54/L.71 on behalf of its sponsors and expressed the hope that it would be adopted by consensus.

Draft resolution A/C.3/54/L.59: Human rights situation in the Islamic Republic of Iran

8. **Ms. Liira** (Finland) introduced draft resolution A/C.3/54/L.59 on behalf of the States members of the European Union and other sponsors. The text took account of all noticeable improvements in the complex human rights situation in the Islamic Republic of Iran and sought to encourage the Government to take further steps towards creating a tolerant and more open society and strengthening human rights and the rule of law. The text was based on the findings of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran.

9. It was a matter of concern, *inter alia*, that the definition of political crimes had been further enlarged in that country, and it was also to be regretted that the Islamic Republic of Iran had not cooperated fully with the Special Representative. A consensus text would have been preferable, however the sponsors respected the Iranian delegation's decision not to participate in discussions on the draft. It was to be hoped that an open, constructive dialogue would prove possible in future.

Agenda item 111: Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions (*continued*) (A/54/12 and Add.1, A/54/91, 98, 99, 285, 286, 414, 469)

10. **Mr. Wenaweser** (Liechtenstein) said that the report of the United Nations High Commissioner for Refugees (UNHCR) (A/54/12) testified to the impressive quality of the High Commissioner's work and to the new and complex challenges which lay ahead. The Security Council had embraced its responsibilities by addressing the issue of the protection of civilians in armed conflict. International peace and security must, after all, be interpreted in a comprehensive manner, if the Council was to carry out its future tasks, which included ensuring human security.

11. Liechtenstein remained fully committed to the principles of humanitarian assistance. Collective responsibility required that the root causes of refugee flows be addressed. A "culture of prevention" depended on a fundamental change in attitudes, involving a lengthy and complex process requiring combined political will. His delegation agreed with the High Commissioner for Refugees that the failure to give due recognition to the aspirations and rights of ethnic minorities and other social groups was a root cause of conflict and displacement. In that context, it wished yet again to stress the usefulness of the proposals on the flexible and effective application of the right to self-determination.

12. The United Nations Decade of International Law had proved worthwhile, however the erosion of relevant international standards throughout the Decade had continued. Despite gaps in the international legal framework, strict observance of existing standards would clearly go a long way towards improving the situation of refugees and displaced persons. In view of the proliferation of internal armed conflicts, it was crucial to identify ways of holding non-State actors accountable and to ensure their compliance with international law.

13. Safe and unhindered access for humanitarian personnel continued to be issues of major concern. In several cases, access to persons in need of assistance was either severely restricted or denied. The response of the international community to the major humanitarian disaster unfolding in the northern Caucasus had indeed been very slow. It was to be hoped that the needs assessment mission to the region would enable the humanitarian agencies to step up their relief efforts.

14. **Ms. Qi Xiaoxia** (China) said that the world refugee problem impacted on the security of countries and regions, posing a serious challenge to the international community. Many countries were unwilling to sustain the increasingly heavy financial, political, environmental and social burdens that resulted from accommodating vast numbers of refugees. Given that it was increasingly difficult to distinguish refugees from other irregular immigrants, many Western nations had adopted highly restrictive asylum policies, in violation of internationally recognized principles for refugee protection.

15. The Kosovo refugee crisis had been paid far more attention than certain long-standing refugee problems in Africa and Central Asia. Partnerships must be strengthened at all levels to provide assistance to refugee host countries, particularly developing countries, with a view to achieving international solidarity and burden sharing. The international community must give equal treatment to both new and old refugees, irrespective of their region of origin. Moreover, no country should adopt a double standard in treating refugees.

16. It was crucial to address root-causes; external interventions only exacerbated conflicts. Indeed, the reduction of tension between States and the improvement of the refugee situation depended on all countries respecting the principles of sovereignty, equality and peaceful settlement of disputes among States. China, for its part, had fulfilled its international obligation by hosting some 280,000 Indo-Chinese refugees for 20 years. The Government hoped to enter into talks with the country of origin to arrange the repatriation of the small number of those refugees willing to return. For the majority wishing to remain in China, their naturalization would be arranged in due course. China was willing to further strengthen its long-standing close cooperation with UNHCR. It was to be hoped that through joint international efforts, the refugee crises of the current century would not be repeated in the next.

17. **Ms. Boyko** (Ukraine) thanked the High Commissioner for Refugees for her report (A/54/12) and her office and its international and local staff for their dedication to those in need. The close of the century had proved an extremely challenging time for UNHCR. At the same time as the number of people in need of its assistance had grown to over 20 million, the whole international regime for the protection of refugees had come under strain: forced repatriation had become more frequent, the social and economic burdens on host countries had become more troublesome, humanitarian workers' security and ease of access to refugees had declined, and support for rehabilitation and redevelopment had emerged as essential to the post-conflict reintegration of returnees. Her delegation believed that the international community must take account of host countries' reduced

tolerance to the protracted presence of large numbers of refugees and of donor countries' increasing reluctance to provide the necessary aid. It also subscribed to the view that genuine recognition of human rights, democracy and good governance were essential to preventing refugee movements.

18. Ukraine knew at first hand what the global humanitarian crisis entailed: its economic difficulties notwithstanding, it now hosted over 3,000 refugees from politically less stable countries and more than 50 per cent of them intended to remain in Ukraine for a long while. Refugees in her country were entitled to education and free health care and such financial aid as the State could afford. A bill now under consideration would further improve the protection of refugees by, for example, removing the time-limit on the validity of refugee status and confirming the right to family reunification. Its adoption would be a major step towards the country's accession to the 1951 Convention relating to the Status of Refugees.

19. The return to their historical lands of Crimean Tartars and other nationalities deported during the totalitarian era was a priority in Ukraine. A Council of Representatives of Crimean Tartars had been established to advise the President in that regard and in August 1998 an agreement had been signed between Ukraine and Uzbekistan that facilitated the transition from Uzbek to Ukrainian citizenship for former deportees. Over 265,000 such persons had already returned to the Crimea; some of them had been stateless, but that problem had been solved by the concerted efforts of the Ukrainian Government and UNHCR. Ukraine was grateful for the assistance given regarding refugees and former deportees by UNHCR, the United Nations Development Programme, other international organizations and programmes, and countries.

20. Ukraine viewed its efforts at ensuring the controlled development of migration processes as a contribution towards the strengthening of international stability. It was, therefore, an interested participant in the activities consequent on the 1996 Regional Conference to Address the Problems of Refugees, Displaced Persons and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States (the CIS Conference) and supported the creation of a working group on follow-up to that event. UNHCR could fulfil its mandate only if States fulfilled their responsibilities. Funds and political will were essential if UNHCR was to be able to address the causes of mass displacement, provide international protection and contribute towards the durable solution of refugee problems.

21. **Mr. Al-Aas** (Sudan) said that there was a need to address the existing imbalance in the allocation of donor assistance to refugee programmes, whereby Africa received less funding than other parts of the world. As a result, refugees in the Sudan faced particularly harsh living conditions, with deteriorating levels of service and the total collapse of certain refugee structures. The fact that the Sudan received only $4 million per annum for some 1 million refugees was a major contributory factor. Efforts to re-examine and redefine the operating methods of the Office of the United Nations High Commissioner for Refugees (UNHCR) should ensure that concrete improvements were made to the programme of assistance to the Sudan, helping to resolve its worsening problems.

22. Account should be taken of the fact that over 65 per cent of refugees in the Sudan lived in towns and villages, placing an additional burden on an already weakened infrastructure and on an extremely tight labour market, while requiring additional measures from the State to offset the social consequences of refugee-related problems. In cooperation with Ethiopia and with UNHCR, the Sudan had effected the voluntary repatriation of a large number of Ethiopian refugees, and would continue that work in the coming year. The Sudan had hosted refugees for almost four decades, providing them with material support and assistance, together with opportunities for resettlement or voluntary return. Its humanitarian efforts in that regard had received international recognition.

23. All neighbouring States should facilitate the voluntary repatriation of their refugees, while the Sudan welcomed any efforts on their part to effect the voluntary repatriation of its own refugees. In collaboration with UNHCR and the World Food Programme (WFP), the Sudan had discovered that some 90 per cent of refugees wished to return to their home country. It was regrettable, therefore, that so few did. The presence of refugees in certain parts of the country had caused severe environmental damage. In spite of its continued pleas in that regard, the international community had failed to accord the issue the importance that it deserved. If appropriate solutions were not found, the damage would worsen, leading to the depletion of the natural resources on which the people of the Sudan and refugees relied.

24. In December 1998, the Sudan had hosted the first ever Organization of African Unity (OAU) Ministerial Meeting on Refugees, Returnees and Displaced Persons. His delegation hoped that the international community would support the implementation of the recommendations arising from that meeting, as reflected in the Khartoum Declaration. International support was vital if the burden placed by refugee inflows on the fragile economic and social infrastructures of African States were to be alleviated.

25. The phenomenon of unaccompanied child refugees was one of the worst consequences of armed conflicts. The rights of children were being consistently violated through compulsory enlistment by armed groups or their use as human shields. Such indeed was the plight of tens of thousands of Sudanese children captured by rebel forces in the south of the country. The Sudan would continue to support the adoption of a resolution concerning unaccompanied refugee children, hoping that it would enjoy the support of the Member States.

26. **Mr. Franco** (Colombia) said that one of the greatest challenges facing his country's Government was the displacement of Colombians by armed conflict within the country. The solution reached bilaterally with Venezuela concerning assistance to the few displaced persons who had entered that country was serving as a model for arrangements with other of Colombia's neighbours. Regarding displaced persons who remained within Colombia, his Government welcomed its constructive relationship with UNHCR, with which institution a memorandum of intention defining the High Commissioner's role in the country had been signed in January 1999. That memorandum provided for possible cooperation in the areas of: guidance and technical support concerning the various stages of the displacement problem; strengthening of international cooperation, and coordination of national and international initiatives on behalf of displaced persons. As the recipient of numerous offers of support and advice from international organizations, foreign Governments and national and international non-governmental organizations, his Government saw such coordination as the key to an effective response to the needs of internally displaced persons. It believed that it had the primary responsibility for meeting those needs; the activities of UNHCR were essential, but complementary to existing plans and domestic policies.

27. **Mr. Al-Ethary** (Yemen) said that the international community had a collective responsibility to find more effective ways to resolve refugee questions affecting many parts of the world. With its long coastline and close proximity to conflict-torn parts of Africa, Yemen was inevitably affected by events on that continent. The wars of Africa became the tears of refugees in Yemen. His country supported all efforts made by regional and international bodies to find solutions to conflicts in Africa, hoping that peace and security would be restored.

28. While official figures suggested that there were some 91,270 refugees in Yemen, the actual number was likely to be higher. Refugees used precarious vessels in their efforts to reach its shores. The lucky ones arrived safely, while many others drowned on the high seas. Yemen was working together with the UNHCR to round up all refugees in its territory and to provide them with safe refuge and all necessary assistance, in accordance with their human rights.

29. Large numbers of refugees posed a number of environmental and health hazards for receiving countries, placing an additional financial and economic strain on already limited budgets. It was regrettable that efforts to provide humanitarian assistance often placed an intolerable burden on receiving countries. Such was the case of Yemen, whose weak economy could little support additional pressures. The international community should do more to share the burden, providing adequate and sustained support for related programmes. It should address the root causes of refugee problems, which lay in the failure to achieve peace and stability in conflict-torn parts of the world.

30. **Mr. Padrós** (Argentina) expressed appreciation for the report and activities of the High Commissioner for Refugees and commended the international community's response to the dramatic crises in Kosovo and East Timor. Like the High Commissioner, his delegation regretted that there had been a weaker response to the problems in Africa: it hoped that the Lusaka and Lomé peace accords would be adequately supported and that resources would be forthcoming to dispel the impression that there was less concern about Africa than with other regions of the world. He welcomed the High Commissioner's optimism concerning the outcome of the problem of Guatemalan refugees. His delegation felt that the arrangements made between the Governments of Guatemala and Mexico concerning that problem should serve as a model and, in that connection, that States should take advantage of the forthcoming fiftieth anniversary of UNHCR to reflect on how refugee crises should be managed at the beginning of the new millennium.

31. Events of recent years had proved that refugee crises were inseparable from the idea of security and must be seen in the wider context of peacekeeping and peace-building. Humanitarian, development and reconstruction workers must be skilled and must be afforded full protection. countries which needed their services should demonstrate the genuineness of their desire to rebuild by declaring their unequivocal support for humanitarian law and human rights. Argentina was a party to both the Convention and the Protocol relating to the Status of Refugees and stood ready to cooperate with UNHCR at any time. The decisions of the national committee on eligibility for refugee status had clearly established the granting of that status as an aspect of human rights: family reunification was considered a priority and refugee status was accorded not only to members of the applicant's nuclear family but also to other economically

dependent relatives and relatives whose security was closely linked with that of the applicant. In Argentina, refugees were entitled to free education and health care; they could remain in the country after the reason for their flight no longer existed and could become Argentine citizens.

32. **Mr. Paiva** (Observer for the International Organization for Migration) recalled that the partnership between UNHCR and the International Organization for Migration (IOM) had grown out of the common legacy of the International Refugee Organization. If the work of UNHCR was rooted in protection, that of IOM lay in operational support for the movement of migrants, refugees and other displaced persons in need of assistance. The two organizations' cooperation had expanded over the past decade to encompass repatriation programmes and, more recently, capacity-building. In 1997, it had been formalized in a memorandum of understanding which had promoted a healthy process of annually reviewing the lessons learned from its application.

33. Of the two major refugee crises of 1999, that concerning Kosovo had been a model for burden-sharing and the quick and efficient discharge of operational requirements. IOM had rapidly flown some 90,000 refugees out of the country, and had already made arrangements for some 60,000 of them to return. It was now engaged with UNHCR, the United Nations Interim Administration Mission in Kosovo, the United Nations Fund for Population Activities, the Organization for Security and Cooperation in Europe (OSCE) and other major actors in promoting effective reintegration. The crisis in East Timor had placed particular demands on the partnership among humanitarian agencies and they had all benefited greatly from the strong and creative coordinating efforts of the Office for the Coordination of Humanitarian Affairs. IOM had been in regular contact with UNHCR concerning their respective responsibilities and continued to adjust schedules daily to accommodate returnees' travel needs.

34. The Secretary-General's report on follow-up to the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States (A/54/286) gave a good example of how IOM and UNHCR worked together in non-crisis situations. IOM had focused on the "Institutional Framework" chapter of the Programme of Action adopted by the 1996 CIS Conference, which highlighted the need for technical cooperation to develop Government's capacity to manage migration. The resultant efforts had proved valuable and could, given adequate attention and resources, continue to yield solid results.

35. Regarding the gap between relief and development, a topic which the High Commissioner had been instrumental in bringing to the fore, he noted the progress towards practical suggestions beginning to emerge from the Brookings Process and the discussions within the Inter-Agency Standing Committee and elsewhere. East Timor would seem to provide an excellent test case for some of those ideas. The flash appeal had had, of necessity, to contain elements and timelines going beyond traditional humanitarian appeals, and circumstances had compelled the current joint assessment mission to move exceptionally quickly to evaluate longer-term structural and development needs. The exploration of new models of linkage between the two would seem a particularly suitable focus for the Brookings Process.

36. **Mr. Kuroda** (Observer for the World Bank) said that, in the context of its moves to forge a closer partnership with other players in the humanitarian and development field, the World Bank was now examining the link between conflict and development. While the Bank fully appreciated the United Nations leadership role in peacemaking and peacekeeping activities, it too, as an institution focusing on poverty reduction, was confronted with the difficulties of post-conflict situations. It believed that, subject to a coordinated approach by all involved, those difficulties could be overcome. Regarding post-conflict issues, the Bank had during the current year aided Governments of countries emerging from conflict through measures such as emergency budget support in Kosovo and demobilization and reintegration of ex-combatants in Sierra Leone. In addition, it would soon finalize an operational policy on conflict and development assistance that would result in its dealing not only with post-conflict reconstruction, but also with countries in conflict and with conflict prevention. That policy was being prepared on the premises that violent conflict exacerbated poverty and was a major impediment to development and that good governance, community participation and transparency must be incorporated in national post-conflict programmes.

37. The Bank's economic analysis in Africa and elsewhere had shown that there was a close link between conflict and desire for control over primary commodities and that it was greed, not grievances, that kept conflicts going. To break that link, the Bank was increasingly promoting the settlement of technical issues at an early stage in conflict resolution. Concerning the Balkans, it had, together with the European Union, prepared a reconstruction plan for Bosnia and had generated some $600 million for reconstruction and

development. By reconstruction it meant not only the building of infrastructures, but also support for teachers, health workers and civil servants, so that all of the society's needs were met.

38. In 1999, the Bank had continued to strengthen its links with United Nations agencies and non-governmental organizations. It was a participant in the Brookings Process aimed at identifying and bridging the gaps in post-conflict transition from relief to development and was providing part of the secretariat for the pursuit of that search. It was also seeking to work in countries emerging from conflict with the private sector, the main engine for recovery, and the mass media, which could be powerful factors of reconciliation and good governance. The Bank saw post-conflict situations as requiring not only the satisfaction of short-term needs, but also the application of its strengths in the longer term. It would work with others in the international team, whatever their size or the level at which they acted, to ensure that people in post-conflict countries could thrive in a new, more participatory and equitable environment.

39. **Ms. Simonovic** (Croatia) thanked the High Commissioner for Refugees for her tireless efforts to meet the numerous challenges involved in protecting and assisting refugees and displaced persons. UNHCR was the voice of all refugees and displaced persons worldwide. Responding to their call entailed resolving the root causes of involuntary displacement, which were often violations of human rights. Respect for human rights and minority rights, as well as democracy and good governance were prerequisites for preventing people's displacement and, if displacement occurred, securing their safe and permanent return.

40. As a representative of a post-conflict country, she was well qualified to speak on such matters. Since 1995, some 226,000 refugees and displaced persons had returned to their homes in Croatia. There were still approximately 140,000 refugees from Bosnia and Herzegovina in Croatia, and about 100,000 displaced persons, returnees and refugees remained under her Government's care. Those facts were all the more noteworthy in view of the burdens that had resulted from the aggression against the country in 1991-1995. Repair of the damage to its infrastructure was far from complete and funds for its continuation were inadequate; many mines remained to be cleared; and employment opportunities were still too few, a situation which the private sector could play a key role in remedying.

41. In its efforts to alleviate the problem of refugees and displaced persons as expeditiously as possible, the Government had focused on confidence-building. To that end, it had recognized the inalienable right of return of all citizens of the Republic of Croatia as well as of persons who qualified as refugees under the 1951 Geneva Convention relating to the Status of Refugees and other relevant United Nations instruments to which the Republic of Croatia was a party. It had also adopted legislation to facilitate return. It attached great importance to the role of UNHCR, OSCE and other monitors of the return process. The success of that process depended in addition on stabilization and post-conflict recovery, for they were essential to the coexistence and reconciliation of divided communities. That peaceful reconciliation was possible was demonstrated by the situation in the Croatian Danube region, which currently had 75 per cent of its pre-war Croatian Serb and 54 per cent of its pre-war Croat population; reconciliation was taking place there under the auspices of the Government's reconciliation programme in cooperation with local representatives of the respective ethnic communities. Following its experience of cooperation with UNHCR, OSCE and others, Croatia was now actively preparing to participate in a new form of cooperation under the Stability Pact for South Eastern Europe. In that regard, it looked forward to a successful outcome of the Working Table for Democratization and Human Rights proposed at the Pact's July 1999 summit meeting.

The meeting rose at 5 p.m.